IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

**SATURDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SIX**

PRESENT
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.10503 of 1997

Between:

1.P.M.Chinna Chalamaiah, and 2 others.

..... PETITIONERS

AND

**1.Revenue Divisional Officer
(Land Acquistiion Officer),
Kurnool, and another.**

.....RESPONDENTS

The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.10503 of 1997

Order:

When this Writ Petition came up for hearing on the previous occasion i.e., on 17-11-2006, there was

no representation on behalf of the writ petitioners, hence, the matter was directed to be posted today under the caption ‘for dismissal’. Even today, there is no representation on behalf of the writ petitioners. I have heard the learned Government Pleader for Revenue appearing for the respondents.

This Writ Petition has been instituted seeking direction to the first respondent-Revenue Divisional Officer-cum-Land Acquisition Officer, Kurnool, to refer the dispute regarding the apportionment of compensation amount paid to the second respondent-Executive Officer, Group Temples, Kurnool, pursuant to the acquisition of land to an extent of Ac.5-00 situated in Survey No.655/B of Kallur Village, Kurnool District.

It is the writ petitioners’ claim that the land in question is a service inam, and that they are the service holders of
Sri Gokarna Rama Bhotla Devalayam, for which this endowment has been created by the original donor, and that they had subsisting interest in the land in question at the time of its acquisition, therefore, they are also entitled to get a share in the compensation amount, which has been received by the second

respondent-Executive Officer alone.

In the counter-affidavit filed by the first respondent-Revenue Divisional Officer, Kurnool, it has been admitted that the land in question had been acquired for a public purpose, and that the award was also passed, and in pursuance thereof, a sum of Rs.11,97,364/- had been paid by way of Demand Draft to the second respondent-Executive Officer. Since the writ petitioners have not filed any objections or claims before the award was passed, the entire compensation amount has been, ultimately, paid to the second respondent-Executive Officer,
in-charge of the Temple.

The core grievance of the writ petitioners is that the first respondent-Land Acquisition Officer has not referred the dispute for adjudication to a Civil Court.

Section 30 of the Land Acquisition Act empowers the Land Acquisition Officer to refer any dispute as to the apportionment of the quantum of compensation among any persons interested, for resolution by a Civil Court. It is, therefore, obvious that the dispute with regard to apportionment of compensation amount for the land acquired is not

liable to be adjudicated upon by the first respondent-Land Acquisition Officer, and it can only be decided by a competent Civil Court. Since the first respondent-Land Acquisition Officer has already paid the entire amount of compensation to the second respondent-Executive Officer of the temple concerned, even if the dispute raised by the writ petitioners is referred for adjudication to the Civil Court, the first respondent-Land Acquisition Officer is not going to suffer or put to any further obligations, and the apportionment of the said compensation amount of Rs.11,97,364/- will be taken care of by the Civil Court. I, therefore, direct the first respondent-Land Acquisition Officer, to refer the dispute to the Sub-Court concerned under Section 30 of the Land Acquisition Act, for adjudication of the proportion, in which the writ petitioners and the Temple concerned can share the quantum of compensation, provided, the writ petitioners establish their right to receive the compensation in accordance with law. The reference may be made within a period of two months from the date of receipt of a copy of this order.

Writ Petition is accordingly disposed of. However, it is made clear that the observations, if any, made in this order shall not be construed as

adjudication by this Court or the entitlement of the writ petitioners to receive the compensation. There shall be no order as to costs.

(Nooty Ramamohana Rao, J)

18th November, 2006
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